

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

ALICIA CALDERON,

Plaintiff,

-against-

ROYAL ELITE PALACE CATERERS LLC,  
ALEXANDRA HIAEVE, ABA COHEN a/k/a ABA  
KOLNOV a/k/a ABA KOIUNOV, ROBEN  
KATANOV, and YURI YONAYEV.

Defendants.

21-cv-6367 (EK)(MMH)

**DEFENDANTS ROYAL ELITE PALACE CATERERS LLC AND ABA COHEN'S  
ANSWER TO PLAINTIFF'S FIRST AMENDED COMPLAINT**

In response to the First Amended Complaint of Plaintiff Alicia Calderon ("Plaintiff") ("the Amended Complaint") served upon Defendants Royal Elite Palace Caterers LLC and Aba Cohen (collectively, the "Defendants") the Defendants hereby serve their answer, as follows:

**ANSWER**

1. The allegations set forth in paragraph 1 set forth statements of law to which no response is required. To the extent a response is required, Defendants deny the allegations.
2. Deny the allegations set forth in paragraph 2 of the Amended Complaint.
3. The allegations set forth in paragraph 3 set forth statements of law to which no response is required. To the extent a response is required, Defendants deny the allegations.
4. Deny the allegations set forth in paragraph 4 of the Amended Complaint.
5. Deny the allegations set forth in paragraph 5 of the Amended Complaint.
6. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 6 of the Amended Complaint.

7. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 7 of the Amended Complaint.

8. Deny the allegations set forth in paragraph 8 of the Amended Complaint.

9. Deny the allegations set forth in paragraph 9 of the Amended Complaint.

10. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 10 of the Amended Complaint.

11. Admit the allegations set forth in paragraph 11 of the Amended Complaint.

12. Deny the allegations set forth in paragraph 12 of the Amended Complaint.

13. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 13 of the Amended Complaint.

14. Admit the allegations set forth in Paragraph 14 of the Amended Complaint solely to the extent they allege Aba Cohen was an owner of Royal Elite Palace, and Defendants deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations.

15. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 15 of the Amended Complaint.

16. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 16 of the Amended Complaint.

17. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 17 of the Amended Complaint.

18. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 18 of the Amended Complaint.

19. Paragraph 19 of the Amended Complaint sets forth allegations that require no response from the Defendants. To the extent a response is required, Defendants deny the

allegations.

20. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 20 of the Amended Complaint.

21. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 21 of the Amended Complaint.

22. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 22 of the Amended Complaint.

23. The allegations set forth in paragraph 23 set forth a legal conclusion to which no response is required. To the extent a response is required, Defendants deny the allegations.

24. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 24 of the Amended Complaint.

25. The allegations set forth in paragraph 25 set forth a legal conclusion to which no response is required. To the extent a response is required, Defendants deny the allegations.

26. The allegations set forth in paragraph 26 set forth a legal conclusion to which no response is required. To the extent a response is required, Defendants deny the allegations.

27. The allegations set forth in paragraph 27 set forth a legal conclusion to which no response is required. To the extent a response is required, Defendants deny the allegations.

28. Deny the allegations set forth in paragraph 28 of the Amended Complaint.

29. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 29 of the Amended Complaint.

30. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 30 of the Amended Complaint.

31. Deny knowledge or information sufficient to form a belief as to the allegations set

forth in paragraph 50 of the Amended Complaint.

32. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 32 of the Amended Complaint.

33. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 33 of the Amended Complaint.

34. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 34 of the Amended Complaint.

35. Deny the allegations set forth in paragraph 35 of the Amended Complaint.

36. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 36 of the Amended Complaint.

37. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 37 of the Amended Complaint.

38. The allegations in paragraph 38 set forth a legal conclusion to which no response is required. To the extent a response is required, the Defendants deny the allegations.

39. The allegations in paragraph 39 set forth a legal conclusion to which no response is required. To the extent a response is required, the Defendants deny the allegations.

40. The allegations in paragraph 40 set forth a legal conclusion to which no response is required. To the extent a response is required, the Defendants deny the allegations.

41. The allegations in paragraph 41 set forth a legal conclusion to which no response is required. To the extent a response is required, the Defendants deny the allegations.

42. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 42 of the Amended Complaint.

43. Deny knowledge or information sufficient to form a belief as to the allegations set

forth in paragraph 43 of the Amended Complaint.

44. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 44 of the Amended Complaint.

45. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 45 of the Amended Complaint.

46. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 46 of the Amended Complaint.

47. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 47 of the Amended Complaint.

48. Admit the allegations set forth in paragraph 48 of the Amended Complaint.

49. Deny the allegations set forth in paragraph 49 of the Amended Complaint.

50. Deny the allegations set forth in paragraph 50 of the Amended Complaint.

51. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 51 of the Amended Complaint.

52. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 52 of the Amended Complaint.

53. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 53 of the Amended Complaint.

54. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 54 of the Amended Complaint.

55. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 55 of the Amended Complaint.

56. Deny knowledge or information sufficient to form a belief as to the allegations set

forth in paragraph 56 of the Amended Complaint.

57. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 57 of the Amended Complaint.

58. Deny the allegations set forth in paragraph 58 of the Amended Complaint.

59. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 59 of the Amended Complaint.

60. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 60 of the Amended Complaint.

61. Deny the allegations set forth in paragraph 61 of the Amended Complaint.

62. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 62 of the Amended Complaint.

63. Deny the allegations set forth in paragraph 63 of the Amended Complaint.

64. Deny the allegations set forth in paragraph 64 of the Amended Complaint.

65. Deny the allegations set forth in paragraph 65 of the Amended Complaint.

66. Deny the allegations set forth in paragraph 66 of the Amended Complaint.

67. Deny the allegations set forth in paragraph 67 of the Amended Complaint.

68. Deny the allegations set forth in paragraph 68 of the Amended Complaint.

69. Deny the allegations set forth in paragraph 69 of the Amended Complaint.

70. Deny the allegations set forth in paragraph 70 of the Amended Complaint.

71. Deny the allegations set forth in paragraph 71 of the Amended Complaint.

72. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 72 of the Amended Complaint.

73. Deny the allegations set forth in paragraph 73 of the Amended Complaint.

74. Deny the allegations set forth in paragraph 74 of the Amended Complaint.

75. Deny the allegations set forth in paragraph 75 of the Amended Complaint.

76. Deny the allegations set forth in paragraph 76 of the Amended Complaint.

77. Deny the allegations set forth in paragraph 77 of the Amended Complaint.

78. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 79 of the Amended Complaint.

79. Deny the allegations set forth in paragraph 79 of the Amended Complaint.

80. Deny the allegations set forth in paragraph 80 of the Amended Complaint.

81. Deny the allegations set forth in paragraph 81 of the Amended Complaint.

82. Deny the allegations set forth in paragraph 82 of the Amended Complaint.

83. Deny the allegations set forth in paragraph 83 of the Amended Complaint.

84. Deny the allegations set forth in paragraph 84 of the Amended Complaint.

85. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 85 of the Amended Complaint.

86. Deny the allegations set forth in paragraph 86 of the Amended Complaint.

87. Deny the allegations set forth in paragraph 87 of the Amended Complaint.

88. Deny the allegations set forth in paragraph 88 of the Amended Complaint.

89. Deny the allegations set forth in paragraph 89 of the Amended Complaint.

90. Deny the allegations set forth in paragraph 90 of the Amended Complaint.

91. Deny the allegations set forth in paragraph 91 of the Amended Complaint.

92. Deny the allegations set forth in paragraph 92 of the Amended Complaint.

93. Deny the allegations set forth in paragraph 93 of the Amended Complaint.

94. Deny the allegations set forth in paragraph 94 of the Amended Complaint.

95. Deny the allegations set forth in paragraph 95 of the Amended Complaint.
96. Deny the allegations set forth in paragraph 96 of the Amended Complaint.
97. Deny the allegations set forth in paragraph 97 of the Amended Complaint.
98. Deny the allegations set forth in paragraph 98 of the Amended Complaint.
99. Deny the allegations set forth in paragraph 99 of the Amended Complaint.
100. Deny the allegations set forth in paragraph 100 of the Amended Complaint.
101. Deny the allegations set forth in paragraph 101 of the Amended Complaint.
102. Deny the allegations set forth in paragraph 102 of the Amended Complaint.
103. Deny the allegations set forth in paragraph 103 of the Amended Complaint.
104. Deny the allegations set forth in paragraph 104 of the Amended Complaint.
105. Deny the allegations set forth in paragraph 105 of the Amended Complaint.
106. Deny the allegations set forth in paragraph 106 of the Amended Complaint.
107. Deny the allegations set forth in paragraph 107 of the Amended Complaint.
108. Deny the allegations set forth in paragraph 108 of the Amended Complaint.
109. Deny the allegations set forth in paragraph 109 of the Amended Complaint.
110. Deny the allegations set forth in paragraph 110 of the Amended Complaint.
111. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 111 of the Amended Complaint.
112. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 112 of the Amended Complaint.
113. Deny the allegations set forth in paragraph 113 of the Amended Complaint.
114. Deny the allegations set forth in paragraph 114 of the Amended Complaint.
115. Deny the allegations set forth in paragraph 115 of the Amended Complaint.



116. Deny the allegations set forth in paragraph 116 of the Amended Complaint.

117. Deny the allegations set forth in paragraph 117 of the Amended Complaint.

118. Deny the allegations set forth in paragraph 118 of the Amended Complaint.

119. Deny the allegations set forth in paragraph 119 of the Amended Complaint.

120. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 120 of the Amended Complaint.

121. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 121 of the Amended Complaint.

122. Deny the allegations set forth in paragraph 122 of the Amended Complaint.

123. Deny the allegations set forth in paragraph 123 of the Amended Complaint.

124. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 124 of the Amended Complaint.

125. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 125 of the Amended Complaint.

126. Deny the allegations set forth in paragraph 126 of the Amended Complaint.

127. Deny the allegations set forth in paragraph 127 of the Amended Complaint.

128. Deny the allegations set forth in paragraph 128 of the Amended Complaint.

129. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 129 of the Amended Complaint.

130. Deny the allegations set forth in paragraph 130 of the Amended Complaint.

131. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 131 of the Amended Complaint.

132. Deny knowledge or information sufficient to form a belief as to the allegations set

forth in paragraph 132 of the Amended Complaint.

133. Deny the allegations set forth in paragraph 133 of the Amended Complaint.

134. Deny the allegations set forth in paragraph 134 of the Amended Complaint.

135. Deny the allegations set forth in paragraph 135 of the Amended Complaint.

136. Deny the allegations set forth in paragraph 136 of the Amended Complaint.

137. Deny the allegations set forth in paragraph 137 of the Amended Complaint.

138. Deny the allegations set forth in paragraph 138 of the Amended Complaint.

139. Deny the allegations set forth in paragraph 139 of the Amended Complaint.

140. Deny the allegations set forth in paragraph 140 of the Amended Complaint.

141. Deny the allegations set forth in paragraph 141 of the Amended Complaint.

142. Deny the allegations set forth in paragraph 142 of the Amended Complaint.

143. Deny the allegations set forth in paragraph 143 of the Amended Complaint.

144. Deny the allegations set forth in paragraph 144 of the Amended Complaint.

145. Deny the allegations set forth in paragraph 145 of the Amended Complaint.

146. Deny the allegations set forth in paragraph 146 of the Amended Complaint.

147. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 147 of the Amended Complaint.

148. Deny the allegations set forth in paragraph 148 of the Amended Complaint.

149. Deny the allegations set forth in paragraph 149 of the Amended Complaint.

150. Deny the allegations set forth in paragraph 150 of the Amended Complaint.

151. Deny the allegations set forth in paragraph 151 of the Amended Complaint.

152. Deny the allegations set forth in paragraph 152 of the Amended Complaint.

153. Deny the allegations set forth in paragraph 153 of the Amended Complaint.

- 154. Deny the allegations set forth in paragraph 154 of the Amended Complaint.
- 155. Deny the allegations set forth in paragraph 155 of the Amended Complaint.
- 156. Deny the allegations set forth in paragraph 156 of the Amended Complaint.
- 157. Deny the allegations set forth in paragraph 157 of the Amended Complaint.
- 158. Deny the allegations set forth in paragraph 158 of the Amended Complaint.
- 159. Deny the allegations set forth in paragraph 159 of the Amended Complaint.
- 160. Deny the allegations set forth in paragraph 160 of the Amended Complaint.
- 161. Deny the allegations set forth in paragraph 161 of the Amended Complaint.
- 162. Deny the allegations set forth in paragraph 162 of the Amended Complaint.
- 163. Deny the allegations set forth in paragraph 163 of the Amended Complaint.
- 164. Deny the allegations set forth in paragraph 164 of the Amended Complaint.
- 165. Deny the allegations set forth in paragraph 165 of the Amended Complaint.
- 166. Deny the allegations set forth in paragraph 166 of the Amended Complaint.
- 167. Deny the allegations set forth in paragraph 167 of the Amended Complaint.
- 168. Deny the allegations set forth in paragraph 168 of the Amended Complaint.
- 169. Deny the allegations set forth in paragraph 169 of the Amended Complaint.
- 170. Deny the allegations set forth in paragraph 170 of the Amended Complaint.
- 171. Deny the allegations set forth in paragraph 171 of the Amended Complaint.
- 172. Deny the allegations set forth in paragraph 172 of the Amended Complaint.
- 173. Deny the allegations set forth in paragraph 173 of the Amended Complaint.
- 174. Deny the allegations set forth in paragraph 174 of the Amended Complaint.
- 175. Deny the allegations set forth in paragraph 175 of the Amended Complaint.
- 176. Deny the allegations set forth in paragraph 176 of the Amended Complaint.

177. Deny the allegations set forth in paragraph 177 of the Amended Complaint.

178. Deny the allegations set forth in paragraph 178 of the Amended Complaint.

179. Deny the allegations set forth in paragraph 179 of the Amended Complaint.

180. Deny the allegations set forth in paragraph 180 of the Amended Complaint.

181. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 181.

182. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 182.

183. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 183.

184. Deny the allegations set forth in paragraph 184 of the Amended Complaint.

185. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 185.

186. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 186.

187. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 187.

188. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 188.

189. Deny the allegations set forth in paragraph 189 of the Amended Complaint.

190. Deny the allegations set forth in paragraph 190 of the Amended Complaint.

191. Deny the allegations set forth in paragraph 191 of the Amended Complaint.

192. Deny the allegations set forth in paragraph 192 of the Amended Complaint.

193. Deny the allegations set forth in paragraph 193 of the Amended Complaint.

194. Deny the allegations set forth in paragraph 194 of the Amended Complaint.

195. Deny the allegations set forth in paragraph 195 of the Amended Complaint.

196. Deny the allegations set forth in paragraph 196 of the Amended Complaint.

197. Deny the allegations set forth in paragraph 197 of the Amended Complaint.

198. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 198 of the Amended Complaint.

199. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 199 of the Amended Complaint.

200. Deny the allegations set forth in paragraph 200 of the Amended Complaint.

201. Deny the allegations set forth in paragraph 201 of the Amended Complaint.

202. Deny the allegations set forth in paragraph 202 of the Amended Complaint.

203. Deny the allegations set forth in paragraph 203 of the Amended Complaint.

204. Deny the allegations set forth in paragraph 204 of the Amended Complaint.

205. Deny the allegations set forth in paragraph 205 of the Amended Complaint.

206. Deny the allegations set forth in paragraph 206 of the Amended Complaint.

207. Deny the allegations set forth in paragraph 207 of the Amended Complaint.

208. Deny the allegations set forth in paragraph 208 of the Amended Complaint.

209. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 209 of the Complaint, but admit that Royal Elite Palace was a catering company and event space.

210. Deny the allegations set forth in paragraph 210 of the Amended Complaint.

211. Deny the allegations set forth in paragraph 211 of the Amended Complaint.

212. Deny the allegations set forth in paragraph 212 of the Amended Complaint.

213. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 213 of the Amended Complaint.

214. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 213 of the Amended Complaint.

215. Deny the allegations set forth in paragraph 215 of the Amended Complaint.

216. Deny the allegations set forth in paragraph 216 of the Amended Complaint.

217. In response to allegations set forth in paragraph 217, Defendants repeat and reiterate their preceding responses as if fully set forth at length herein.

218. The allegations set forth in paragraph 218 set forth statements of law to which no response is required. To the extent a response is required, Defendants deny the allegations.

219. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 219 of the Amended Complaint.

220. Deny the allegations set forth in paragraph 220 of the Amended Complaint.

221. The allegations set forth in paragraph 221 set forth statements of law to which no response is required. To the extent a response is required, Defendants deny the allegations.

222. Deny the allegations set forth in paragraph 222 of the Amended Complaint.

223. Deny the allegations set forth in paragraph 223 of the Amended Complaint.

224. In response to allegations set forth in paragraph 224, Defendants repeat and reiterate their preceding responses as if fully set forth at length herein.

225. The allegations set forth in paragraph 225 set forth statements of law to which no response is required. To the extent a response is required, Defendants deny the allegations.

226. The allegations set forth in paragraph 226 set forth statements of law to which no

response is required. To the extent a response is required, Defendants deny the allegations.

227. Deny the allegations set forth in paragraph 227 of the Amended Complaint.

228. Deny the allegations set forth in paragraph 228 of the Amended Complaint.

229. Deny the allegations set forth in paragraph 229 of the Amended Complaint.

230. The allegations set forth in paragraph 230 set forth statements of law to which no response is required. To the extent a response is required, Defendants deny the allegations.

231. The allegations set forth in paragraph 231 set forth statements of law to which no response is required. To the extent a response is required, Defendants deny the allegations.

232. Deny the allegations set forth in paragraph 232 of the Amended Complaint.

233. Deny the allegations set forth in paragraph 233 of the Amended Complaint.

234. In response to allegations set forth in paragraph 234, Defendants repeat and reiterate their preceding responses as if fully set forth at length herein.

235. The allegations set forth in paragraph 235 set forth statements of law to which no response is required. To the extent a response is required, Defendants deny the allegations.

236. Deny the allegations set forth in paragraph 236 of the Amended Complaint.

237. Deny the allegations set forth in paragraph 237 of the Amended Complaint.

238. Deny the allegations set forth in paragraph 238 of the Amended Complaint.

239. In response to allegations set forth in paragraph 239, Defendants repeat and reiterate their preceding responses as if fully set forth at length herein.

240. The allegations set forth in paragraph 240 set forth statements of law to which no response is required. To the extent a response is required, Defendants deny the allegations.

241. Deny the allegations set forth in paragraph 241 of the Amended Complaint.

242. Deny the allegations set forth in paragraph 242 of the Amended Complaint.

243. Deny the allegations set forth in paragraph 243 of the Amended Complaint.

244. In response to allegations set forth in paragraph 244, Defendants repeat and reiterate their preceding responses as if fully set forth at length herein.

245. The allegations set forth in paragraph 246 set forth statements of law to which no response is required. To the extent a response is required, Defendants deny the allegations.

246. The allegations set forth in paragraph 247 set forth statements of law to which no response is required. To the extent a response is required, Defendants deny the allegations.

247. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 247 of the Amended Complaint.

248. The allegations set forth in paragraph 248 set forth statements of law to which no response is required. To the extent a response is required, Defendants deny the allegations.

249. Deny the allegations set forth in paragraph 249 of the Amended Complaint.

250. Deny the allegations set forth in paragraph 250 of the Amended Complaint.

251. Deny the allegations set forth in paragraph 251 of the Amended Complaint.

252. Deny the allegations set forth in paragraph 252 of the Amended Complaint.

253. Deny the allegations set forth in paragraph 253 of the Amended Complaint.

254. Deny the allegations set forth in paragraph 254 of the Amended Complaint.

255. In response to allegations set forth in paragraph 255, Defendants repeat and reiterate their preceding responses as if fully set forth at length herein.

256. Deny the allegations set forth in paragraph 256 of the Amended Complaint.

257. The allegations set forth in paragraph 257 set forth statements of law to which no response is required. To the extent a response is required, Defendants deny the allegations.

258. Deny knowledge or information sufficient to form a belief as to the allegations set



forth in paragraph 258.

259. The allegations set forth in paragraph 259 set forth statements of law to which no response is required. To the extent a response is required, Defendants deny the allegations.

260. Deny the allegations set forth in paragraph 260 of the Amended Complaint.

261. Deny the allegations set forth in paragraph 261 of the Amended Complaint.

262. Deny the allegations set forth in paragraph 262 of the Amended Complaint.

263. Deny the allegations set forth in paragraph 263 of the Amended Complaint.

264. Deny the allegations set forth in paragraph 264 of the Amended Complaint.

265. Deny the allegations set forth in paragraph 265 of the Amended Complaint.

266. In response to allegations set forth in paragraph 266, Defendants repeat and reiterate their preceding responses as if fully set forth at length herein.

267. Deny the allegations set forth in paragraph 267 of the Amended Complaint.

268. The allegations set forth in paragraph 268 set forth statements of law to which no response is required. To the extent a response is required, Defendants deny the allegations.

269. The allegations set forth in paragraph 269 set forth statements of law to which no response is required. To the extent a response is required, Defendants deny the allegations.

270. The allegations set forth in paragraph 270 set forth statements of law to which no response is required. To the extent a response is required, Defendants deny the allegations.

271. The allegations set forth in paragraph 271 set forth statements of law to which no response is required. To the extent a response is required, Defendants deny the allegations.

272. Deny the allegations set forth in paragraph 272 of the Amended Complaint.

273. Deny the allegations set forth in paragraph 273 of the Amended Complaint.

274. Deny the allegations set forth in paragraph 274 of the Amended Complaint.

275. Deny the allegations set forth in paragraph 275 of the Amended Complaint.

276. Deny the allegations set forth in paragraph 276 of the Amended Complaint.

277. In response to allegations set forth in paragraph 277, Defendants repeat and reiterate their preceding responses as if fully set forth at length herein.

278. Deny the allegations set forth in paragraph 278 of the Amended Complaint.

279. Deny the allegations set forth in paragraph 279 of the Amended Complaint.

280. Deny the allegations set forth in paragraph 280 of the Amended Complaint.

281. Deny the allegations set forth in paragraph 281 of the Amended Complaint.

282. Deny the allegations set forth in paragraph 282 of the Amended Complaint.

283. In response to allegations set forth in paragraph 283, Defendants repeat and reiterate their preceding responses as if fully set forth at length herein.

284. Deny the allegations set forth in paragraph 284 of the Amended Complaint.

285. Deny the allegations set forth in paragraph 285 of the Amended Complaint.

286. Deny the allegations set forth in paragraph 286 of the Amended Complaint.

287. Deny the allegations set forth in paragraph 287 of the Amended Complaint.

288. In response to allegations set forth in paragraph 288, Defendants repeat and reiterate their preceding responses as if fully set forth at length herein.

289. Deny the allegations set forth in paragraph 289 of the Amended Complaint.

290. Deny the allegations set forth in paragraph 290 of the Amended Complaint.

291. Deny the allegations set forth in paragraph 291 of the Amended Complaint.

292. Deny the allegations set forth in paragraph 292 of the Amended Complaint.

293. In response to allegations set forth in paragraph 293, Defendants repeat and reiterate their preceding responses as if fully set forth at length herein.

294. Deny the allegations set forth in paragraph 294 of the Amended Complaint.
295. Deny the allegations set forth in paragraph 295 of the Amended Complaint.
296. Deny the allegations set forth in paragraph 296 of the Amended Complaint.
297. Deny the allegations set forth in paragraph 297 of the Amended Complaint.
298. Deny the allegations set forth in paragraph 298 of the Amended Complaint.
299. In response to the allegations set forth in paragraph 299, Defendants request a jury trial on all issues triable by jury.

### **AFFIRMATIVE DEFENSES**

#### **FIRST AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred, in whole or in part, by the applicable statute of limitations.

#### **SECOND AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred, in whole or in part, by the doctrine of unclean hands.

#### **THIRD AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred, in whole or in part, by the doctrine of waiver.

#### **FOURTH AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred, in whole or in part, by the doctrine of estoppel.

#### **FIFTH AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred, in whole or in part, by the doctrine of laches.

#### **SIXTH AFFIRMATIVE DEFENSE**

Defendants have met and satisfied any and all obligations to Plaintiff that arose out of and during her employment and, therefore, this action is barred, in whole or in part, by the doctrine of accord and satisfaction.

#### **SEVENTH AFFIRMATIVE DEFENSE**

Plaintiff's claims for damages are barred, in whole or in part, by Plaintiff's failure to mitigate damages.

#### **EIGHTH AFFIRMATIVE DEFENSE**

The allegations of the Complaint are insufficient to entitle Plaintiff to an award of attorneys' fees.

#### **NINTH AFFIRMATIVE DEFENSE**

The causes of action herein have been waived and/or are barred by reason of the Plaintiff's failure to give proper and timely notice to the Defendants of her claims.

#### **TENTH AFFIRMATIVE DEFENSE**

Plaintiff was not employed by these Defendants.

#### **ELEVENTH AFFIRMATIVE DEFENSE**

Plaintiff is not entitled to an award of any damages, including but not limited to compensatory damages, punitive damages or attorneys' fees.

#### **TWELFTH AFFIRMATIVE DEFENSE**

All actions taken by Defendants were taken for legitimate, non-discriminatory reasons. As such, Defendants did not violate any legal right possessed by Plaintiff.

#### **THIRTEENTH AFFIRMATIVE DEFENSE**

Without conceding in any way to the allegations of the Complaint, at all times relevant to this action, Defendants have maintained and enforced policies prohibiting discrimination, has provided procedures through which employees can notify it of violations and/or perceived violations of these policies and has promptly investigated complaints of discrimination and have taken corrective action where appropriate. To the extent, if at all, Plaintiff experienced or perceived discrimination while allegedly in Defendants' employ, she failed to notify Defendants and unreasonably failed to avail herself of the preventive and corrective opportunities provided by

Defendants. Alternatively, to the extent, if at all, Plaintiff notified Defendants of any discrimination and/or availed herself of the preventive and corrective opportunities provided to her, Defendants promptly investigated and, if and to the extent appropriate, took corrective action.

#### **FOURTEENTH AFFIRMATIVE DEFENSE**

Plaintiff's claims, in whole or in part, fail to state a claim upon which relief can be granted.

#### **FIFTEENTH AFFIRMATIVE DEFENSE**

Any adverse employment action against Plaintiff was for legitimate nondiscriminatory reasons.

#### **SIXTEENTH AFFIRMATIVE DEFENSE**

To the extent that Plaintiff engaged in misconduct, prior to or during her employment which would have resulted in denial of her employment or in termination of her employment, had said acts or omissions been known to Defendants, any relief awarded should be reduced, in whole or in part, due to Plaintiff having engaged in such misconduct.

#### **SEVENTEENTH AFFIRMATIVE DEFENSE**

Defendants deny that Plaintiff suffered any emotional distress as a result of actions taken by Defendants, and any emotional distress suffered by Plaintiff is attributable to causes wholly independent of Defendants' alleged actions.

#### **EIGHTEENTH AFFIRMATIVE DEFENSE**

The Court should not exercise supplemental jurisdiction of Plaintiff's state law claims.

#### **NINETEENTH AFFIRMATIVE DEFENSE**

Plaintiff's damages, if any, were not proximately caused by the acts or omissions of Defendants.

**TWENTIETH AFFIRMATIVE DEFENSE**

Plaintiff cannot establish that she suffered unwelcome harassment such that the workplace was permeated with discriminatory intimidation, ridicule, and insult; she was harassed because of her membership in a protected class; the harassment was sufficiently severe or pervasive to alter conditions of her employment and create an abusive work environment; and there is a specific basis of imputing the harassment to Defendants.

**TWENTY-FIRST AFFIRMATIVE DEFENSE**

Plaintiff's claim for damages for emotional distress is barred by the exclusivity provisions of the New York State Workers' Compensation Law, §§ 10-11.

**TWENTY-SECOND AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred to the extent she petitioned for bankruptcy either under Chapter 7 or Chapter 13 of the United States bankruptcy code yet failed to disclose potential claims against Defendants as required under applicable bankruptcy laws.

**TWENTY-THIRD AFFIRMATIVE DEFENSE**

To the extent Plaintiff failed to meet conditions precedent prior to asserting her Title VII claims and the United States Equal Employment Opportunity Commission ("EEOC") failed to attempt conciliation in violation of 42 U.S.C § 2000e-5, her claims are barred.

**TWENTY-FOURTH AFFIRMATIVE DEFENSE**

Plaintiff failed to provide a copy of her Complaint to the New York City Commission on Human Rights and Corporation Counsel in violation of NYC Administrative Code 8-502.

**TWENTY-FIFTH AFFIRMATIVE DEFENSE**

The Amended Complaint is presented in conclusory and vague terms, which prevents Defendants from anticipating all affirmative defenses and claims that may be applicable in this action. Therefore, to the extent permitted under the FRCP and applicable case law, Defendants

reserve the right to assert additional defenses or claims that may become known during the course of discovery.

**TWENTY-SIXTH AFFIRMATIVE DEFENSE**

Plaintiff cannot establish that she was treated less well on account of her membership in a protected class.

**TWENTY-SEVENTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims are barred because all actions taken in connection with Plaintiff's compensation was taken in good faith in conformity with and in reliance upon written administrative regulations, orders, rulings, approvals, interpretations, and written and unwritten administrative practices or enforcement policies of the Department of Labor.

**TWENTY-EIGHTH AFFIRMATIVE DEFENSE**

The claims alleged in this action are barred because the acts or omissions complained of, if any, were done in good faith and with reasonable grounds for believing that the alleged acts or omissions were not in violation of the law.

Any allegations not specifically addressed are denied. Defendants reserve the right to amend this Answer up to and including the time of trial.

**WHEREFORE**, Defendants pray that the Court dismiss the Amended Complaint in its entirety including each and every demand and prayer for relief contained in the Amended Complaint, and grant such other and further relief that the Court deems just and proper.

Dated: New York, New York  
October 7, 2022

**JACOBS P.C.**

/s/ Leo Jacobs

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